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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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|---|---|
| **JAMES ROBERT BARKACS,**<br>Petitioner,<br>v.<br>**D. ADAMS, Warden,**<br>Respondent. | 07cv2139 JAH (WMc)<br>**EX PARTE REQUEST FOR SECOND ENLARGEMENT OF TIME TO FILE A RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF DOUGLAS P. DANZIG; PROPOSED ORDER** |

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| **JAMES ROBERT BARKACS,** Petitioner, **v.** **D. ADAMS, Warden,** Respondent. | 07cv2139 JAH (WMc) **EX PARTE REQUEST FOR SECOND ENLARGEMENT OF TIME TO FILE A RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF DOUGLAS P. DANZIG; PROPOSED ORDER** |

RESPONDENT, D. Adams, Warden of California State Prison, Corcoran, California, by and through counsel Edmund G. Brown Jr, Attorney General of the State of California, and Douglas P. Danzig, Deputy Attorney General, makes this request for a 14-day enlargement of time, to April 18, 2008, in which to file an Answer to Petitioner's "Petition For Writ Of Habeas Corpus Under 28 U.S.C. § 2254 By A Person In State Custody" (Petition).

An Answer is presently due no later than April 4, 2008. An enlargement of time to file an Answer is requested for the reasons set forth in the accompanying declaration of counsel.

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## CONCLUSION

For the foregoing reasons, Respondent respectfully requests this Court grant the enlargement of time.

Dated: April 3, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
Chief Assistant Attorney General

GARY W. SCHONS
Senior Assistant Attorney General

KEVIN VIENNA
Supervising Deputy Attorney General

s/Douglas P. Danzig

DOUGLAS P. DANZIG
Deputy Attorney General

Attorneys for Respondent

DPD:dp
70119567.wpd
SD2007802999

# DECLARATION OF DOUGLAS P. DANZIG

Douglas P. Danzig hereby declares:

I am the Deputy Attorney General assigned to prepare the pleadings in the case of *Barkacs v. Adams*, civil number 07cv2139-JAH (WMc). The case was originally assigned to another deputy, but reassigned to me on December 3, 2007, because the other deputy retired. One previous enlargement of time has been granted to Respondent in this case.

Since the last extension of time was granted, I have filed answers in six federal habeas cases, motions to dismiss in two federal habeas cases, a brief in a Ninth Circuit appeal, objections to a Report and Recommendation in a federal habeas case, and a response in a state capital case. In addition, I have had to draft a petition for rehearing en banc in a significant ninth Circuit case which, due to the short deadlines involved, had to be prepared before I could begin drafting the Answer in the instant matter.

I began drafting an Answer to the Petition today, April 3, 2008. Although I expect to finish drafting the Answer within 7 calendar days, review and processing may take an additional 3 to 4 days. Accordingly, I am asking for a 14-day extension of time to file the Answer.

I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 3rd day of April, 2008, at San Diego, California.

s/Douglas P. Danzig

DOUGLAS P. DANZIG
Deputy Attorney General

## DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **James Robert Barkacs v. D. Adams, Warden**

No.: **07cv2139 JAH (WMc)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On April 3, 2008, I served the attached **EX PARTE REQUEST FOR SECOND ENLARGEMENT OF TIME TO FILE A RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF DOUGLAS P. DANZIG; PROPOSED ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

James Robert Barkacs
V-75306
P.O. Box 3476
Corcoran, CA 93212

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 3, 2008, at San Diego, California.

| | |
|---|---|
| D. Perez | [signature] |
| Declarant | Signature |

70119569.wpd